

***DETAILED ACTION***

***EXAMINER'S AMENDMENT***

1. An examiner's amendment to the record appears below. Should the changes and or additions be acceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no latter than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Albert on 01/06/09.

2. The application has been amended as follows:

**As per claim 16:**

Lines 1-3, **Replace** "A computer code product embodied on a computer readable medium, the computer code product comprising: computer code configured to:" **with** ---A computer code product embodied on a computer readable storage medium, the computer code product comprising: computer code that, when executed by a processor, causes a computer to perform the following:---

**As per claim 17:**

Lines 1-3, **Replace** "A computer code product of claim embodied on a computer readable medium, the computer code product comprising: computer code configured to:" **with** ---A computer code product embodied on a computer storage readable medium, the computer code product comprising: computer code that, when executed, causes a computer to perform the following:---

**As per claim 22:**

Lines 1-3, **Replace** “A computer code product embodied on a computer readable medium, the computer code product comprising: computer code configured to:” **with** ---A computer code product embodied on a computer readable storage medium, the computer code product comprising: computer code that, when executed, causes a computer to perform the following:---

***Response to Arguments***

- Applicant's response was received October 30, 2008.
- Claims 1, 9, 15 and 18 are cancelled.
- Claims 2-8, 10-14, 16, 19, 21-24 remain allowed.
- Claims 17 and 20 are amended to include the allowable subject matter indicated in the previous office action.

**Allowable Subject Matter**

1. Claims 17 and 20 have been allowed. The following is an examiner's statement of reasons for allowance:

**As per claim 17:**

The prior art, Gupta et al. (U.S. PN: 6,577,599) of record teach or disclose a method and an apparatus for efficient and reliable multicasting in a network environment and a sender transmits identical information encapsulated in data packets to a plurality of receivers wherein periodically, receivers submit responses that include control information regarding the loss (expected data not received) or receipt of data packets transmitted by the sender and using these

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information a sender retransmits any undelivered packets to intended receivers (see col. 6, lines 14-23 and abstract). Gupta et al. in figure 3, step (310) teach that the sender analyzes data-loss response generated by the receiver and further adjusts the response rate at step (330), so that the multicasting (point-to-multipoint) of information is accomplished most optimally (i.e. minimizing the network traffic, and maximizing error recovery and repair) (see col. 9, lines 28-39). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or render obvious “*wherein the computer code is further configured to determine the number of receivers on the point-to-multipoint session and schedule the point-to-point data repair sessions based on the determined number of receivers*”. Consequently, claim 17 is allowed over the prior art.

**As per claim 20:**

The prior art, Gupta et al. (U.S. PN: 6,577,599) of record teach or disclose a method and an apparatus for efficient and reliable multicasting in a network environment and a sender transmits identical information encapsulated in data packets to a plurality of receivers wherein periodically, receivers submit responses that include control information regarding the loss (expected data not received) or receipt of data packets transmitted by the sender and using these information a sender retransmits any undelivered packets to intended receivers (see col. 6, lines 14-23 and abstract). Gupta et al. in figure 3, step (310) teach that the sender analyzes data-loss response generated by the receiver and further adjusts the response rate at step (330), so that the multicasting (point-to-multipoint) of information is accomplished most optimally (i.e. minimizing the network traffic, and maximizing error recovery and repair) (see col. 9, lines 28-39). However, the prior art taken singly or in combination fail to teach, anticipate, suggest, or

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render obvious “*wherein the sender device further comprises means for determining the number of receivers using the point-to-multipoint session wherein the sender is configured to schedule the point-to-point data repair sessions based on the determined number of receivers*”.

Consequently, claim 20 is allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

### **Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Esaw T. Abraham whose telephone number is (571) 272-3812. The examiner can normally be reached on M-F 8am-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Jacques Louis-Jacques can be reached on (571) 272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/EA/

01/05/09

/Esaw T Abraham/

Primary Examiner, Art Unit 2112